

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )                           8:02CR371  
                                  )  
vs.                            )                           ORDER  
                                  )  
RICHARD ALAN SHAFFER,     )  
                                  )  
Defendant.                   )

This matter is before the court on the waiver of a detention hearing by defendant Richard Alan Shaffer (Shaffer) (Filing No. 110). Shaffer is alleged to have violated the conditions of his supervised release (Filing No. 100). A warrant was issued for Shaffer's arrest on October 15, 2012 (Filing No. 107). Shaffer appeared before the court on October 17, 2012 (Filing No. 99). At the time of his appearance in this court, Shaffer was in the custody of the Warden of the Douglas County Jail. The government's motion for detention in this case was held in abeyance pending Shaffer coming into federal custody. Subsequently, Shaffer has been released from state custody and is now in the custody of the U.S. Marshal pending a dispositional hearing Before Judge Joseph F. Bataillon on July 25, 2013, at 1:30 p.m. (Filing No. 109). Since it is Shaffer's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Shaffer has failed to carry his burden and Shaffer should be detained pending his dispositional hearing before Judge Bataillon.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:30 p.m. on July 25, 2013**. Defendant must be present in person.
2. Defendant Richard Alan Shaffer is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 23rd day of May, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge